

111TH CONGRESS
1ST SESSION

H. R. 1771

To reauthorize the Chesapeake Bay Office of the National Oceanic and
Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

Mr. SARBANES (for himself, Mr. WITTMAN, and Mr. KRATOVIL) introduced
the following bill; which was referred to the Committee on Natural Resources

A BILL

To reauthorize the Chesapeake Bay Office of the National
Oceanic and Atmospheric Administration, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay
5 Science, Education, and Ecosystem Enhancement Act of
6 2009”.

1 **SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OF-**
2 **FICE.**

3 Section 307 of the National Oceanic and Atmospheric
4 Administration Authorization Act of 1992 (15 U.S.C.
5 1511d) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1) by striking “(in this
8 section” and all that follows and inserting a pe-
9 riod;

10 (B) by amending paragraph (2) to read as
11 follows:

12 “(2) The Office shall be headed by a Director,
13 who—

14 “(A) shall have knowledge and experience
15 in research or resource management efforts in
16 the Chesapeake Bay; and

17 “(B) shall be responsible for the adminis-
18 tration and operation of the office and the im-
19 plementation of this Act.”; and

20 (C) by striking paragraph (3);

21 (2) in subsection (b)—

22 (A) by striking so much as precedes para-
23 graph (1) and inserting the following:

24 “(b) PURPOSE.—The purpose of this section is to
25 focus the relevant science, research, and resource manage-
26 ment capabilities of the National Oceanic and Atmospheric

1 Administration as they apply to the Chesapeake Bay and
2 to utilize the Office to—”;

3 (B) in paragraph (2), by striking “Sec-
4 retary of Commerce” and inserting “Adminis-
5 trator”;

6 (C) in paragraph (3)—

7 (i) by striking the matter preceding
8 subparagraph (A) and inserting the fol-
9 lowing:

10 “(3) coordinate the programs and activities of
11 the various organizations within the National Oce-
12 anic and Atmospheric Administration in furtherance
13 of such administration’s coastal resource steward-
14 ship mission, including—”;

15 (ii) in subparagraph (A), by striking
16 “and” after the semicolon at the end of
17 clause (vi), and by inserting after clause
18 (vii) the following:

19 “(viii) coastal hazards and climate
20 change; and”; and

21 (iii) subparagraph (B), by striking
22 “and” after the semicolon at the end of
23 clause (iii), by inserting “and” after the
24 semicolon at the end of clause (iv), and by
25 adding at the end the following:

1 “(v) integrated ecosystem assess-
2 ments;”;

3 (D) in paragraph (4)—

4 (i) by striking “Environmental Pro-
5 tection Agency” and inserting “Chesapeake
6 Executive Council”; and

7 (ii) by inserting before the semicolon
8 at the end the following: “as appropriate to
9 further purposes of this section”;

10 (E) by striking paragraphs (5) and (7);

11 (F) by redesignating paragraph (6) as
12 paragraph (5), and by adding “and” after the
13 semicolon at the end of such paragraph; and

14 (G) by adding at the end the following:

15 “(6) perform any functions necessary to sup-
16 port the programs referred to in paragraph (3)”;
17 and

18 (3) by striking subsection (c) and all that fol-
19 lows through the end of the section and inserting the
20 following:

21 “(c) PROGRAM ACTIVITIES.—

22 “(1) IN GENERAL.—The Director shall imple-
23 ment the program activities authorized by this sub-
24 section to support the activity of the Chesapeake Ex-

1 ecutive Council and to further the purposes of this
2 section.

3 “(2) ENSURING SCIENTIFIC AND TECHNICAL
4 MERIT.—The Director shall—

5 “(A) establish and utilize an effective and
6 transparent mechanism to ensure that projects
7 funded under this section have undergone ap-
8 propriate peer review; and

9 “(B) provide other appropriate means to
10 determine that such projects have acceptable
11 scientific and technical merit for the purpose of
12 achieving maximum utilization of available
13 funds and resources to benefit the Chesapeake
14 Bay area.

15 “(3) CONSULTATION WITH CHESAPEAKE EXEC-
16 UTIVE COUNCIL.—The Director shall, in the imple-
17 mentation of the program activities authorized under
18 this section, consult with the Chesapeake Executive
19 Council, to ensure that the activities of the Office
20 are consistent with the purposes and priorities of the
21 Chesapeake Bay Agreement and plans developed
22 pursuant to the Agreement.

23 “(4) INTEGRATED COASTAL OBSERVATIONS.—

24 “(A) IN GENERAL.—The Director shall col-
25 laborate with scientific and academic institu-

1 tions, State and Federal agencies, non-govern-
2 mental organizations, and other constituents in
3 the Chesapeake Bay watershed, to support the
4 development of an integrated observations sys-
5 tem for the Chesapeake Bay.

6 “(B) SPECIFIC REQUIREMENTS.—To sup-
7 port the system referred to in subparagraph (A)
8 and provide a complete set of environmental in-
9 formation for the Chesapeake Bay, the Director
10 shall—

11 “(i) coordinate existing monitoring
12 and observing activities in the Chesapeake
13 Bay;

14 “(ii) identify new data collection needs
15 and deploy new technologies, as appro-
16 priate;

17 “(iii) collect and analyze the scientific
18 information necessary for the management
19 of living marine resources and the marine
20 habitat associated with such resources;

21 “(iv) manage and interpret the infor-
22 mation described in clause (iii); and

23 “(v) organize the information de-
24 scribed in clause (iii) into products that

1 are useful to policy makers, resource man-
2 agers, scientists, and the public.

3 “(C) CHESAPEAKE BAY INTERPRETIVE
4 BUOY SYSTEM.—To further the development
5 and implementation of the Chesapeake Bay In-
6 terpretive Buoy System, the Director shall—

7 “(i) support the establishment and
8 implementation of the Captain John Smith
9 Chesapeake National Historic Trail;

10 “(ii) delineate key waypoints along the
11 trail and provide appropriate real-time
12 data and information for trail users;

13 “(iii) interpret data and information
14 for use by educators and students to in-
15 spire stewardship of Chesapeake Bay; and

16 “(iv) incorporate the Chesapeake Bay
17 Interpretive Buoy System into the Inte-
18 grated Ocean Observing System regional
19 network of observatories.

20 “(5) CHESAPEAKE BAY WATERSHED EDU-
21 CATION AND TRAINING PROGRAM.—

22 “(A) IN GENERAL.—The Director shall es-
23 tablish a Chesapeake Bay watershed education
24 and training program. The program shall—

1 “(i) continue and expand the Chesapeake Bay watershed education programs
2 offered by the Office immediately before
3 the enactment of the Chesapeake Bay
4 Science, Education, and Ecosystem Enhancement Act of 2009;

5 “(ii) improve the understanding of elementary and secondary school students
6 and teachers of the living resources of the
7 ecosystem of the Chesapeake Bay;

8 “(iii) provide community education to
9 improve watershed protection; and

10 “(iv) meet the educational goals of the
11 Chesapeake 2000 Agreement.

12 “(B) GRANT PROGRAM.—The Director
13 may award grants for the purposes of this paragraph. Grants awarded under this subparagraph
14 may be used to support education and
15 training projects that enhance understanding
16 and assessment of a specific environmental
17 problem in the Chesapeake Bay watershed or a
18 goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—

1 “(i) provide classroom education, in-
2 cluding the development and use of dis-
3 tance learning and other innovative tech-
4 nologies, related to the Chesapeake Bay
5 watershed;

6 “(ii) provide watershed educational
7 experiences in the Chesapeake Bay water-
8 shed;

9 “(iii) provide professional development
10 for teachers related to the Chesapeake Bay
11 watershed and the dissemination of perti-
12 nent education materials oriented to vary-
13 ing grade levels;

14 “(iv) demonstrate or disseminate envi-
15 ronmental educational tools and materials
16 related to the Chesapeake Bay watershed;

17 “(v) demonstrate field methods, prac-
18 tices, and techniques including assessment
19 of environmental and ecological conditions
20 and analysis of environmental problems;

21 “(vi) build the capacity of organiza-
22 tions to deliver high quality environmental
23 education programs; and

24 “(vii) educate local land use officials
25 and decision makers on the relationship of

1 land use to natural resource and watershed
2 protection.

3 “(C) COLLABORATION.—The Director shall
4 implement the education and training program
5 in collaboration with the heads of other relevant
6 Federal agencies.

7 “(6) COASTAL AND LIVING RESOURCES MAN-
8 AGEMENT AND HABITAT PROGRAM.—

9 “(A) IN GENERAL.—The Director shall es-
10 tablish a Chesapeake Bay coastal living re-
11 sources management and habitat program to
12 support coordinated management, protection,
13 characterization, and restoration of priority
14 Chesapeake Bay habitats and living resources,
15 including oysters, blue crabs, and submerged
16 aquatic vegetation.

17 “(B) ACTIVITIES.—Under the program,
18 the Director may, subject to the availability of
19 appropriations, carry out or enter into grants,
20 contracts, and cooperative agreements and pro-
21 vide technical assistance to support—

22 “(i) native oyster restoration;

23 “(ii) fish and shellfish aquaculture;

24 “(iii) establishment of submerged
25 aquatic vegetation propagation programs;

1 “(iv) the development of programs
2 that protect and restore critical coastal
3 habitats;

4 “(v) habitat mapping, characteriza-
5 tion, and assessment techniques necessary
6 to identify, assess, and monitor restoration
7 actions;

8 “(vi) application and transfer of ap-
9 plied scientific research and ecosystem
10 management tools to fisheries and habitat
11 managers;

12 “(vii) collection, synthesis, and shar-
13 ing of information to inform and influence
14 coastal and living resource management
15 issues; and

16 “(viii) other activities that the Direc-
17 tor determines are appropriate to carry out
18 the purposes of such program.

19 “(d) REPORTS.—

20 “(1) IN GENERAL.—The Director shall submit
21 a biennial report to the Congress and the Secretary
22 of Commerce on the activities of the Office and on
23 progress made in protecting and restoring the living
24 resources and habitat of the Chesapeake Bay.

1 “(2) ACTION PLAN.—Each such report shall in-
2 clude an action plan for the 2-year period following
3 submission of the report, consisting of—

4 “(A) a list of recommended research, moni-
5 toring, and data collection activities necessary
6 to continue implementation of the strategy
7 under subsection (b)(2); and

8 “(B) recommendations to integrate Na-
9 tional Oceanic and Atmospheric Administration
10 activities with the activities of the partners in
11 the Chesapeake Bay Program to meet the com-
12 mitments of the Chesapeake 2000 agreement
13 and subsequent agreements.

14 “(e) AGREEMENTS.—

15 “(1) IN GENERAL.—The Director may, subject
16 to the availability of appropriations, enter into and
17 perform such contracts, leases, grants, or coopera-
18 tive agreements as may be necessary to carry out
19 the purposes of this Act.

20 “(2) USE OF OTHER RESOURCES.—For pur-
21 poses related to the understanding, protection, and
22 restoration of Chesapeake Bay, the Director may
23 use, with their consent and with or without reim-
24 bursement, the land, services, equipment, personnel,
25 and facilities of any Department, agency, or instru-

1 mentality of the United States, or of any State, local
2 government, Indian tribal government, or of any po-
3 litical subdivision thereof.

4 “(3) DONATIONS.—The Director may accept
5 donations of funds, other property, and services for
6 use in understanding, protecting, and restoring the
7 Chesapeake Bay. Donations accepted under this sec-
8 tion shall be considered as a gift or bequest to or for
9 the use of the United States.

10 “(f) DEFINITIONS.—In this section:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of the National
13 Oceanic and Atmospheric Administration.

14 “(2) CHESAPEAKE BAY AGREEMENT.—The
15 term ‘Chesapeake Bay Agreement’ means the for-
16 mal, voluntary agreements executed to achieve the
17 goal of restoring and protecting the Chesapeake Bay
18 ecosystem and the living resources of the Chesa-
19 peake Bay ecosystem and are signed by the Chesa-
20 peake Executive Council.

21 “(3) CHESAPEAKE EXECUTIVE COUNCIL.—The
22 term ‘Chesapeake Executive Council’ means the rep-
23 resentatives from the Commonwealth of Virginia, the
24 State of Maryland, the Commonwealth of Pennsyl-
25 vania, the Environmental Protection Agency, the

1 District of Columbia, and the Chesapeake Bay Com-
2 mission, who are signatories to the Chesapeake Bay
3 Agreement, and any future signatories to that agree-
4 ment.

5 “(4) DIRECTOR.—The term ‘Director’ means
6 the Director of the Office.

7 “(5) OFFICE.—The term ‘Office’ means the
8 Chesapeake Bay Office established under this sec-
9 tion.

10 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to the Secretary to carry
12 out this section—

13 “(1) \$17,000,000 for fiscal year 2011;

14 “(2) \$18,700,000 for fiscal year 2012;

15 “(3) \$20,570,000 for fiscal year 2013; and

16 “(4) \$22,627,000 for fiscal year 2014.”.

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